



Attorney Docket No. 8436.88USWO

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **VARIABLE PHASE SHIFTER**

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on November 20, 2001 as application serial no. 09/979586 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/IB00/00739 filed May 22, 2000 and as amended on (if any), which have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
 b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
New Zealand	335901	May 20, 1999	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 41,940
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	Reg. No. 40,066
Altera, Allan G.	Reg. No. 40,274	Lindquist, Timothy A.	Reg. No. 40,701
Anderson, Gregg I.	Reg. No. 28,828	Lown, Jean A.	Reg. No. 48,428
Bazli, Brian H.	Reg. No. 32,960	Mayfield, Denise L.	Reg. No. 33,732
Beard, John L.	Reg. No. 27,612	McDonald, Daniel W.	Reg. No. 32,044
Berna, John M.	Reg. No. 43,496	McIntyre, Jr., William F.	Reg. No. 44,921
Branch, John W.	Reg. No. 41,633	Mitchem, M. Todd	Reg. No. 40,731
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Byrne, Linda M.	Reg. No. 32,404	Palcy, Kenneth B.	Reg. No. 38,989
Campbell, Keith	Reg. No. 46,597	Parsons, Nancy J.	Reg. No. 40,364
Carlson, Alan G.	Reg. No. 25,959	Pauly, Daniel M.	Reg. No. 40,123
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Clifford, John A.	Reg. No. 30,247	Pino, Mark J.	Reg. No. 43,858
Cook, Jeffrey	Reg. No. 48,649	Prendergast, Paul	Reg. No. 46,068
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. 41,512
Dalcy, Dennis R.	Reg. No. 34,994	Qualcy, Terry	Reg. No. 25,148
Daulton, Julie R.	Reg. No. 36,414	Reich, John C.	Reg. No. 37,703
DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 23,767
DiPietro, Mark J.	Reg. No. 28,707	Samuels, Lisa A.	Reg. No. 43,080
Doscotch, Matthew A.	Reg. No. P-48,957	Schmaltz, David G.	Reg. No. 39,828
Edcll, Robert T.	Reg. No. 20,187	Schuman, Mark D.	Reg. No. 31,197
Epp Ryan, Sandra	Reg. No. 39,667	Schumann, Michael D.	Reg. No. 30,422
Glance, Robert J.	Reg. No. 40,620	Scull, Timothy B.	Reg. No. 42,137
Goff, Jared S.	Reg. No. 44,716	Sebald, Gregory A.	Reg. No. 33,280
Goggin, Matthew J.	Reg. No. 44,125	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles B.	Reg. No. 26,896	Spellman, Steven J.	Reg. No. 45,124
Gorman, Alan G.	Reg. No. 38,472	Stewart, Alan R.	Reg. No. 47,974
Gould, John D.	Reg. No. 18,223	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gregson, Richard	Reg. No. 41,804	Sullivan, Timothy	Reg. No. 47,981
Grosens, John J.	Reg. No. 33,112	Sumner, John P.	Reg. No. 29,114
Hammer, Samuel A.	Reg. No. 46,754	Swenson, Erik G.	Reg. No. 45,147
Hanre, Curtis B.	Reg. No. 29,165	Tellekson, David K.	Reg. No. 32,314
Harrison, Kevin C.	Reg. No. 46,759	Trembath, Jon R.	Reg. No. 38,344
Hertzberg, Brett A.	Reg. No. 42,660	Timheim, Marcia A.	Reg. No. 42,189
Hillson, Randall A.	Reg. No. 31,838	Underhill, Albert L.	Reg. No. 27,403
Holzer, Jr., Richard J.	Reg. No. 42,668	Vandenburgh, J. Derck	Reg. No. 32,179
Hope, Leonard J.	Reg. No. 44,774	Wahl, John R.	Reg. No. 33,044
Jardine, John S.	Reg. No. P-48,835	Weaver, Paul L.	Reg. No. 48,640
Johns, Nicholas P.	Reg. No. 48,995	Welter, Paul A.	Reg. No. 20,890
Johnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
Kadievitch, Natalie D.	Reg. No. 34,196	Whitaker, John E.	Reg. No. 42,222
Kaseburg, Frederick A.	Reg. No. 47,695	Wier, David D.	Reg. No. P-48,229
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kowalchuk, Alan W.	Reg. No. 31,535	Wong, Thomas S.	Reg. No. 48,577
Kowalchuk, Katherine M.	Reg. No. 36,848	Wu, Tong	Reg. No. 43,361
Lacy, Paul B.	Reg. No. 38,946	Young, Thomas	Reg. No. 25,796
Larson, James A.	Reg. No. 40,443	Zenli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/scnt this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with its specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

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PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Du Toit	First Given Name Cornelis	Second Given Name Frederik
0	Residence & Citizenship	City Elliot City	State or Foreign Country Maryland	Country of Citizenship New Zealand
1	Mailing Address	Address 9941 Frederick Road	City Elliot City	State & Zip Code/Country Maryland 21042/United States
Signature of Inventor 201: <i>[Signature]</i>				Date: 25 February 2002
2	Full Name Of Inventor	Family Name Mathias	First Given Name Mathias	Second Given Name
0	Residence & Citizenship	City Upper Hut	State or Foreign Country New Zealand	Country of Citizenship The Netherlands
2	Mailing Address	Address 26 Forest Road, Pivshoven	City Upper Hut	State & Zip Code/Country New Zealand
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name Tan	First Given Name Benjamin	Second Given Name Cristobal
0	Residence & Citizenship	City Wellington	State or Foreign Country New Zealand	Country of Citizenship New Zealand
3	Mailing Address	Address 3 Parson Glens, Karori	City Wellington	State & Zip Code/Country New Zealand
Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name Thomson	First Given Name John	Second Given Name Heywood
0	Residence & Citizenship	City Wellington	State or Foreign Country New Zealand	Country of Citizenship New Zealand
4	Mailing Address	Address 29 Ferry Street, Seaview	City Wellington	State & Zip Code/Country New Zealand
Signature of Inventor 204:				Date:

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Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Du Toit	Conradia	Frederik
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Elliot City	Maryland	New Zealand
1	Mailing Address	Address	City	State & Zip Code/Country
		9941 Frederick Road	Elliot City	Maryland 21042/United States
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Ehlen	Mathias	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Upper Hutt	New Zealand	The Netherlands
2	Mailing Address	Address	City	State & Zip Code/Country
		26 Forest Road, Picheaven	Upper Hutt	New Zealand
Signature of Inventor 202:				Date: 26/02/2002
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Tan	Benjamin	Cristobal
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Wellington	New Zealand	New Zealand
3	Mailing Address	Address	City	State & Zip Code/Country
		3 Pardon Glen, Karori	Wellington	New Zealand
Signature of Inventor 203:				Date:
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		Thomson	John	Heywood
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Wellington	New Zealand	New Zealand
4	Mailing Address	Address	City	State & Zip Code/Country
		29 Ferry Street, Seaford	Wellington	New Zealand
Signature of Inventor 204:				Date: 26/02/02

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2	Full Name Of Inventor	Family Name Du Toit	First Given Name Cornelis	Second Given Name Frederik
0	Residence & Citizenship	City Ellisville City	State or Foreign Country Maryland	Country of Citizenship New Zealand
1	Mailing Address	Address 9941 Frederick Road	City Ellisville City	State & Zip Code/Country Maryland 21042/United States
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name Ehlen	First Given Name Mathias	Second Given Name
0	Residence & Citizenship	City Upper Hunt	State or Foreign Country New Zealand	Country of Citizenship The Netherlands
2	Mailing Address	Address 26 Forest Road, Pivchaven	City Upper Hunt	State & Zip Code/Country New Zealand
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name Tan	First Given Name Benjamin	Second Given Name Cristobal
0	Residence & Citizenship	City Wellington	State or Foreign Country New Zealand	Country of Citizenship New Zealand
3	Mailing Address	Address 3 Parson Glens, Karori	City Wellington	State & Zip Code/Country New Zealand
Signature of Inventor 203: <i>[Signature]</i>				Date: <i>22-2-02</i>
2	Full Name Of Inventor	Family Name Thomson	First Given Name John	Second Given Name Hoywood
0	Residence & Citizenship	City Wellington	State or Foreign Country New Zealand	Country of Citizenship New Zealand
4	Mailing Address	Address 20 Ferry Street, Seaford	City Wellington	State & Zip Code/Country New Zealand
Signature of Inventor 204:				Date: